

## **Faculty Senate Minutes #233**

### **John Jay College of Criminal Justice**

**October 8,2002**

**3:15 PM**

**Room 630 T**

**Present (25):** Yahya Affinnih, Desmond Arias, Marvie Brooks, Orlanda Brugnola, Leslie Chandrakantha, Effie Cochran, Richard Culp, Edward Davenport, Kirk Dombrowski, Joshua Freilich, P. J. Gibson, Carol Groneman, Robert Hair, Judith Hawkins, Ann Huse, Karen Kaplowitz, Gavin Lewis, Tom Litwack, Amie Macdonald, Evan Mandery, Adam McKible, Ellen Sexton, Liliana Soto-Fernandez, Margaret Wallace, Robin Whitney

**Excused (14):** Philip Bonifacio, Jane Davenport, Amy Green, Edward Green, Max Kadir, Andrew Karmen, Kwando Kinshasa, Lorraine Moller, Altagracia Ortiz, Rick Richardson, Jodie Roure, Cary Sanchez, Carmen Solis, Davidson Umeh

**Guests:** Professors Ned Benton, Sandy Berger, Lotte Feinberg, Laura Greenberg, Joan Hoffman, Robert Hong, Patricia Licklider, Bonnie Nelson, Edward Paulino, Daniel Pinello, Itai Sneh, Timothy Stevens, Harold Sullivan, Katherine Wylie, Marcia Yarmus

**Invited Guests:** CUNY Vice Chancellor for Facilities Planning, Construction, and Management Emma Espino Macari; CUNY Director of the Department of Space Planning and Capital Budget Lia Gartner; CUNY Assistant Director of the Department of Space Planning and Capital Budget Megan Moore-Wilk

#### **Agenda of the October 8,2002, meeting**

1. Announcements from the chair
2. Adoption of Minutes #232 of the September 25,2002, meeting
3. Discussion of the agenda of the October 16 College Council meeting
4. Background about the Phase II project
5. Invited Guest: CUNY Vice Chancellor for Facilities Planning, Construction, and Management Emma Espino Macari

#### **1. Announcements from the chair**

Vice Chancellor for Facilities Planning, Construction, and Management Emma Espino Macari is the Senate's guest today. Vice Chancellor Macari had met with the Senate for several hours in 1995 when Phase II was imminent, and then again in 1999, when Phase II was imminent. President Kaplowitz explained that Vice Chancellor Macari had asked to be invited back to meet with the Senate again when Phase II became a reality and upon receiving the invitation, Vice Chancellor Macari immediately accepted and expressed her pleasure at being invited. Because Vice

Chancellor Macari's schedule made it impossible for her to attend any of the Senate's scheduled meetings, the Executive Committee changed the date from October 9 to today, October 8. Because of the sudden date change, those senators not able to attend are listed as excused rather than absent.

**2. Adoption of Minutes #232 of the September 25, 2002, meeting**

By a motion made and carried, Minutes #232 of the September 25 meeting were adopted.

**3. Discussion of the agenda of the October 16 College Council meeting**

Because the October 16 College Council meeting has no agenda items, except approval of the Minutes of the September meeting, an information report on the Middle States process was added.

**4. Background about the Phase II project**

For those new to John Jay, Phase II is called Phase II for the following reason. When John Jay was created in 1964, it was first and very briefly housed at Baruch and then at the Police Academy, at 20<sup>th</sup> Street and First Avenue, while a home was being found for the College. That home for a number of years continued to be the Police Academy and, additionally, floors 17-20 of an office building on Park Ave. South and 26 Street.

In 1974, John Jay moved uptown to North Hall which was renovated for our use: it had been a shoe factory, the Miles Shoe Factory. The College was also provided with what was called South Hall, on 56<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues, which was the former headquarters of 20th Century Fox movie company and which was remodeled for our use. North Hall was purchased by the New York State Dormitory Authority (DASNY) for John Jay's use but South Hall was rented from 20th Century Fox. The College worked toward having a more appropriate campus.

Eventually 20th Century Fox raised the rent for South Hall to such a prohibitively high rate, that that fact, in and of itself, became an irrefutable argument to the State to provide John Jay with a new facility, which would contain both South Hall and North Hall.

But the funding came through to replace only South Hall: the replacement of South Hall is what we call T (Tenth Avenue) Building: it is Phase I of the two-phase project. Because of a method that is no longer permitted by CUNY or by DASNY, Certificates of Participation, a method which bypassed DASNY, T Building was built in about 18 months. We moved into it in Fall 1988. T Building contained everything that had been in South Hall as well as the Library, which had been on floors 1, 2, and 3 in North Hall.

Phase II – the replacement of North Hall – was supposed to immediately follow Phase I. That is, North Hall was to begin in or around 1988. But the funding for Phase II was not provided: part of the problem was that DASNY owned North Hall and, therefore, no rental monies were being expended by the State of New York.

The combined space of North Hall and T Building is supposed to hold fewer than the number of students we currently have.

CUNY has officially acknowledged that John Jay is the most "space starved" senior college in CUNY. (Sometimes the term "space poor" is used.) (The funding for senior college capital projects is entirely from the State; the funding for capital projects for the community colleges is from NYC.)

The funding for Phase II was finally approved by the *NYS* Legislature but the owner of the land contiguous to T Building extending to 11<sup>th</sup> Avenue refused to sell the land unless certain demands, unacceptable demands, were met. Various legal challenges ensued. DASNY sought and received an order from the court that the land for Phase II be seized by the process of eminent domain for use by John Jay because it was a necessary project for the public good and a fair market value determined by the court was to be paid to the owner of the land.

That land is from T Building all the way to 11<sup>th</sup> Avenue. Phase II will be contiguous to and, indeed, continuous to T Building and will extend all the way to 11<sup>th</sup> Avenue. The plan is that everything in North Hall will be moved to Phase II and that North Hall is to be sold by DASNY. It is not clear whether the sixth floor that we rent in the BMW building will continue to be rented or whether all those offices will also have to fit into Phase II.

The current status is this: Governor Pataki has, after two years, authorized DASNY to execute the contract with Skidmore, Owings and Merrill (SOM), the architectural firm. The Board of Trustees had voted in November 2000 – 2 years ago – to award the contract to SOM. Now there are some last minute contract negotiations with SOM, about such things as salary schedules, which necessarily are different two years later. In addition, DASNY changed various provisions of the contract in the interim and so SOM's lawyers, the lawyers of the 10 or so consultants they are using, the lawyers for Turner Construction, which is being hired at the same time, and the lawyers for Turner's consultants are all negotiating with DASNY lawyers about the changed terms of the contract. Thus the signing of the contract has been delayed but the expectation is that the contract will be signed between DASNY and SOM within the next few days.

Vice Chancellor Macari has been tirelessly working to make Phase II a reality for John Jay ever since she came to CUNY in 1993. She is taking time out of a tremendously busy schedule to meet with us: it's a particularly busy time now because she's preparing the new 5-year capital budget request for the Board of Trustees to vote on and present to the State Legislature.

**5. Invited Guest: CUNY Vice Chancellor for Facilities Planning, Construction, and Management Emma Espino Macari [Attachment A, B, C]**

Vice Chancellor arrived and was greeted by enthusiastic and sustained applause. She thanked the Senate for the warm welcome and for inviting her. She introduced two members of her staff, both of whom are architects: first, Lia Gartner, CUNY Director of the Department of Space Planning and Capital Budget, who, previous to assuming this position two weeks earlier, after a hiatus from *CUNY* of a few years, had been CUNY's Director of Design and Construction for 6 years. Vice Chancellor Macan explained that her Office has two main departments: one is Space Planning and Capital Budget and the second is Design and Construction. And so Lia Gartner was the Director of one department and now rejoins *CUNY* as the Director of the other department.

The Department of Space Planning and Capital Budget, which Lia Gartner now heads, works with each college in producing its Master Plan, determining the College's needs, ascertaining the college's academic needs and transferring them into physical space based on the CUNY space guidelines, and leasing space: all of these are issues of planning. When the budgets are funded – and most don't take as long as the Phase II project took, Vice Chancellor Macari noted – the next steps are implementing the funded project, hiring the architects, coordinating design and construction, and coordinating the project for the University during the construction phase.

Megan Moore-Wilk, CUNY's Assistant Director of the Department of Space Planning and Capital Budget, who was introduced, will work with Lia Gartner on the issues of planning, identifying enrollment, determining who is where, what the academic disciplines are, how the College is going to grow, and on further development of the capital budget request.

After the introductions, President Kaplowitz thanked Chancellor Macari for being so wonderful in her dedication to our Phase II project, for always being positive in response to every setback, which has given us such encouragement and hope and, as a result, the faculty have never truly despaired. She thanked her for her extremely informative visits with the Faculty Senate in 1995 and again in 1999. And she praised the Vice Chancellor for her tireless work and unflagging enthusiasm, support, and belief in Phase II and for accepting the Senate's invitation, especially in light of the fact that she is preparing another 5-year capital budget request for CUNY which will be considered by the Board of Trustees committees next month and voted on by the full Board for submission to Albany. The Vice Chancellor's background was reviewed [Attachment A].

Asked to bring us up to date on the status of the contract, Vice Chancellor Macari explained that ours is a very complicated contract. For the first time, CUNY is doing something never done before in a CUNY/DASNY contract, explaining that DASNY – the Dormitory Authority of the State of New York – is, by law, partners on this venture. DASNY is the State agency that bonds the monies for our projects which it does for *SUNY* also, as well as for many other agencies of the State, and for the private sector as well. After bonding our funds, DASNY manages the development of the contract document, which the contractors are going to bid on, puts the project out for bid, holds all the contracts, and manages and supervises all construction. The responsibility of hiring the design consultants belongs to the University, which does the hiring with the college's full participation in all cases and which then manages the design of the project: first Lia and Megan work on the beginning of the project and later Joanna Pestka, whom some have met at earlier meetings, manages the design of the project. When the project is prepared for the working drawings and specifications, CUNY passes the project to DASNY, which manages that development.

In the past, DASNY hired a construction manager, separate from the architects. The construction manager is part of the team but doesn't carry any of the contract because of the Wicks Law which requires a separate prime contractor. When tax levies monies are not used, as in the private sector, the process is that usually there is a general contractor and that general contractor has a mechanical contractor and an electrical contractor and all the other contractors under the general contractor's wing and it is the general contractor who administers all these people and coordinates the schedule. In New York, with the bonded projects, which use tax-levy monies, we can't do that; rather, we have to have separate prime contractors. So the construction manager doesn't hold any of the contracts of the people but rather coordinates several contractors. For example at Hostos and at Medgar Evers, where CUNY has a mandatory minority contracting policy, the contracts were divided into smaller components than usual to permit many people to bid on them. Hostos, for example, had 64 contractors. Such a large number will not, hopefully be the case with the John Jay project.

But what has happened in the past is that the construction manager and the architect turn into adversaries for some reason, Vice Chancellor Macari explained, adding that they shouldn't be adversaries but that's what happens. And then what happens is that when the project gets into trouble, which happens often with the enormous projects that we do, especially because it's very difficult to do construction in NYC, meetings are held at which the construction manager says it's the architect's fault and the architect says it's the construction manager's fault. In the private sector this usually doesn't happen because a private company would negotiate with one group, such as with a developer who has all these people and who, therefore, work together and solve the problems that arise. They try to meet the scope and the budget and the schedule together and they bring problems to the table either already fixed or with options for fixing the situation. She explained that she and her colleagues were trying to develop something closer to that model while abiding by the Wicks Law, which requires separate contractors, and while working with DASNY, which CUNY must do.

Because of all the constraints that are involved, CUNY couldn't do what the private sector does but at least, she said, we could have a contract whereby the architect and the construction manager work together and would resolve problems as a team. So it took a long time and Lia – who is an architect – was actually the architect – in the other sense of the term – of this contract. Although, as a result, this contract is more complicated than previous contracts, it will be better in the long run. Because the contract was put on hold for so long, and because there are so many components to the contract, everyone has to revise the contract but it's about to be finished. In addition, DASNY revised the front end, which are the general conditions, and the insurance requirements, and all the aspects of the job. DASNY has revised and improved the contract but the consultants and the construction manager had never seen the changes, because the contract was on hold, and so now their lawyers and their insurance people are reviewing the contract. But there's nothing major that will prevent the contract from being signed.

One of the issues is that Turner Construction, which is the construction manager we are using for this project, VC Macari explained, has had some major changes in its operations and in its staff and so Turner has to change names and add names into the contract that weren't in before and so forth and then CUNY has to check that those people who were included two years ago and are still in the contract are still good and that each person has the necessary experience to do a project such as this. So this has taken a few weeks ever since Albany gave the go ahead to do this project. However, in the meantime, the architects have received a letter from DASNY to begin the project and they are starting. They are looking over the program CUNY gave them earlier. They are getting familiar with the project. So in a few days the planning should be beginning.

Professor Ned Benton said he would like to get clarity about the space planning process and some of the numbers we are working with. He explained that his questions and the chart he prepared are based in part on the document titled "Space Needs of John Jay College: 1994/5 to 2004-5: Pursuant to CUNY Space Standards" [see Attachment B for the last page of this document],

Professor Benton distributed his chart [Attachment C] and explained that he developed the chart by updating a chart he had created for a meeting of VC Macari and our Faculty Senate that took place a number of years ago. The updating is based upon the documents that he was able to obtain. The chart simply frames the questions rather than declaring answers. The first bar shows the size of North Hall and T Building – the two main facilities we are in now. The second bar shows the Phase I plan based on "Space Needs of John Jay College: 1994/5 to 2004-5: Pursuant to CUNY Space Standards" in which Scenario A identifies 514,000 net square feet of space for Phase II [see Attachment B] and he said he is trying to determine if this is the working concept of the Phase II project. Vice Chancellor Macari said this is the concept for the first phase of the project. Professor

Benton said that this makes it clear that Phase II is a truly enormous project.

Vice Chancellor Macari said she wants to acknowledge the concern of many at John Jay that the College has waited a long time, the College's needs keep growing, and that the project was not designed for the kind of growth that John Jay has experienced. She said that Phase II will be followed by Phase III and perhaps by additional projects but that in the meantime Phase II will build 620,000 gross square feet. If, she said, we make the design very efficient, the usable space should be in excess of 400,000 net assignable square feet, explaining that net assignable space means that it includes the corridors, the mens' and women's rooms, space for mechanical equipment, and so forth. The total project cost is \$450 million. When the project was first approved in the 5-year plan for the University, the project was approved for \$352 million. When we bond again next fall, the \$352 million will be bonded. The five-year plan was extended to six years. So for John Jay we have \$352 million approved, all of which will be bonded in the fall. After that, we have the remainder of the project, which must be escalated. The equipment money will be another \$23 million in addition and so a project that would have been about \$380 million is now a \$450 million project.

VC Macari explained that each year that the project was not funded, CUNY submitted a revised document showing the escalation and the increased funding that was needed. However, we are still building 620,00 gross square feet of space, which at the time was based on a Master Plan for the College, which looked at how the College would be growing in 10 years and in what disciplines and came up with an amount of space that is greater than the space in North Hall. So the project was planned as a replacement of North Hall with some additional space as well.

Professor Benton said that his calculations show that Phase II will be double the space of North Hall. Vice Chancellor Macari agreed, adding that one of the reasons it was so difficult to get the site on which to build Phase II was that people were saying that John Jay did not and would not need so much space. But, she said, CUNY kept saying that John Jay already is growing and needs more space and will need even more space in the future. What we want to do with the entire site, she said, is to determine all of John Jay's needs, without regard to the money available, so that the planning for Phase II can be done correctly and so that future development can occur there for further expansion: whether it is vertical expansion or horizontal expansion is not known because the project has not yet been designed.

Professor Benton said if we have the FTEs that we are planning, and then a 402,000 square feet net addition, how are we reconciling the options: how do we go about making decisions since we will not be able to get what would be the normal CUNY FTE space standards for everything based on the 10,000 FTEs that is our target student population. How do we make these judgments?

Asst. Director Moore-Wilk said that because expected growths in enrollments in disciplines are not necessarily what takes place in the years between the proposal for a project and its funding and design, as is the case here, the programmer, whose name is Scott Paige, will interview the departments; he will get the actual headcounts; he will get the actual FTE numbers for each department; he will get the staff numbers; he will determine what research is being conducted. And he will build a model for each department that will show how many classrooms are needed, how many laboratories are needed – and this will be determined as well by what you at the College tell us about how you teach, about the size those rooms should be, about the research you do. Then you, as a College, will have to prioritize what of that entire big list fits into this facility and what must wait for the next facility. Part of that will be based on where your enrollment is and where you are projecting it to go. It may be that all your current needs will be met with Phase II and that your future needs will be in Phase III, whether Phase III is vertical or horizontal.

Seeking clarification, Senator Tom Litwack asked whether the building that is to be completed in 6 years will comprise those 620,000 gross square feet. Vice Chancellor Macari said yes: Phase II is 620,000 gross square feet. Senator Litwack asked – based on normal CUNY space standards, and adding Phase II with T Building – how many student FTEs that total footage would be designed for. Asst. Director Moore-Wilk said the answer to that is based on what is put into that space, adding that CUNY space standards are guidelines and that one reason CUNY hires consultants is that those consultants will benchmark John Jay against other institutions that engage in similar research and instruction.

Asst. Director Moore-Wilk added that she knows John Jay has a very specialized program and those consultants will tell us how other institutions provide space for the kinds of programs that are offered by John Jay. The *CUNY* guidelines are a place to begin and the College will build the program by comparing what CUNY has done at City, at Hunter, and at other colleges, in terms of their specialities. The number of student FTEs to be accommodated will be determined by the decisions the College makes, she said, explaining that is why the question can not be answered now.

When the Phase II plan was first developed, Asst. Director Moore-Wilk explained, John Jay had 7,100 FTEs. The plan took John Jay to 2004/5 with a projected enrollment of 10,300 FTEs, a number which included the Police Academy coming to John Jay, which is no longer the case. President Kaplowitz said that just today she received enrollment data and John Jay already has 9,604 FTEs this semester. Vice Chancellor Macari said they built in some growth but what Megan is saying is that we'll learn more when our consultants interview the administration and the faculty in charge of the academic disciplines. We'll then see whether the number is accurate and if it's not we'll see what will fit the number that we'll be building for. She explained there's a check and a balance: we have a certain amount of dollars to build with and we will have to make certain decisions as to what does not get built now based on the priorities of the College. VC Macari said that the new building will have to provide at least what North Hall provides which, with T Building, now accommodates 9,600 FTEs, adding that she knows that North Hall and T Building are not fitting John Jay well, that the College is having a hard time finding enough classrooms and are hoping to get more classrooms.

Senator Litwack told Vice Chancellor Macari that the questions being asked in no way mitigate our appreciation for all that she and the Chancellery and the Board have done. Vice Chancellor Macari said that she came for the purpose of answering questions and expects to be asked questions. Senator Litwack said that because he, Karen, and Ned Benton have studied the document, "Space Needs of John Jay College: 1994/5 to 2004-5: Pursuant to CUNY Space Standards," they know what our guests know: the projections for the number of FTEs were based on three scenarios: Scenario A is a much larger building than Scenario C and what VC Macari has suggested is Scenario C. [See Attachment B.] Vice Chancellor Macari agreed.

Senator Litwack said all we always ask of CUNY is that we be treated equally to the other colleges and so his question is whether when Baruch's new floor building, which opened last year was built, was it built according to Scenario A, B, or C. Vice Chancellor Macari said it the same process was conducted for Baruch as for John Jay: a Master Plan was done for Baruch a long time ago, in 1985, and that was when the growth was planned and when the space needs were determined and the dollars were determined and that's how CUNY built the new facility. Vice Chancellor Macari said that if it makes anyone feel any better, Baruch – with its new 17-floor building, its new vertical campus – now has less square footage per FTE than many of our CUNY colleges. In fact, CUNY had to rent a building across from Baruch's Library Building right away, immediately after

the new building was finished, because Baruch needed more space. We can never build all the space that a college anticipates needing, VC Macari explained, adding that the same space standards and guidelines are applied to all colleges which are changed based on what our consultants recommend.

Senator Litwack asked what Baruch's total square feet of space is. Vice Chancellor Macari said the new building 17-floor building is 780,000 square feet. In addition, Baruch has the Library Building, the School of Public Affairs Building, and 17 Lexington Avenue. Asst. Director Moore-Wilk said she will send the Senate the data showing the total square footage that Baruch now has. Vice Chancellor Macari said the annual Capital Budget Request looseleaf has all that information. President Kaplowitz said that she receives a copy of that looseleaf each year as a member of the BoT Committee on Facilities and VC Macari agreed, adding that in it is a section called "Statistics" that gives all this information, and which, of course, changes each year.

Professor Harold Sullivan (Government Department) said that implicit in what Tom and Ned are saying is something that is troubling many at the College and that is whether Phase II will be adequate to handle even our current needs. He said it is his understanding that John Jay has the least square footage of any senior college. Vice Chancellor Macari said that John Jay and Medgar Evers are in that situation. Professor Sullivan said that the fire alarm in North Hall was accidentally triggered by workers the other day and in trying to evacuate the building we found that the magnetic doors did not unlock, the public address system did not work, and there were other problems. Vice Chancellor Macari said that CUNY is conducting a study right now of John Jay's required exiting, the width of the corridors, the width of the doors, and so forth to determine whether more doors need to be added, or whether a corridor must be transformed to exit to the street, and so forth.

VC Macari said she knows that the response will be that this has been delayed and that it's a chicken and egg situation, but CUNY hadn't wanted to put a lot of money into North Hall because we knew we were going to build Phase II, but because of the delay in building Phase II, we have to address these issues. She added that CUNY did provide funding to redo the men's and women's rooms in North Hall, to fix the air conditioning, and to repair the roof. She said the study that is now being conducted is needed because North Hall will have to be used for at least five more years.

Professor Sullivan said that his concern is our enrollment and whether we can afford to grow at the rate we've been growing. As we're planning Phase II we're already discussing Phase III – which undoubtedly won't happen for another 15 years – because we know we'll be at the back of the line of many other projects. At this point we're at our limit. There are some of us who are concerned and who would like guidance from the Vice Chancellor and from 80<sup>th</sup> Street as to whether there should be a limit to our growth and whether our administration should be taking into account the fact that we have a limited amount of space and whether we want to turn Phase II into another North Hall, that is, into a new building but one that is packed in the hallways and stairways and that has insufficient room for student activities, too few faculty offices, too few classrooms and labs, and so forth.

Vice Chancellor Macari said the University is very happy that the colleges are growing because it means that more people will be educated. She said that she does not believe the University will put a stop on the growth but then, she acknowledged, the facilities aspect does come into play. Without tying it to the specific Phase II project, the reason CUNY is conducting the study of North Hall is because the capacity of that building has been exceeded and CUNY has to immediately find space to put all those students because if the stairs can not support the enrollment, we have to start posting signs saying "do not exceed" a certain number of people.

Vice Chancellor Macari explained that CUNY wants to have that study to see if CUNY has to rent space for John Jay. As you know, she said, CUNY already did that for John Jay: CUNY already took the sixth floor of the building that her Offices are in – the BMW Building – in order vacate people and provide more classrooms here. She said they have looked at another building across the street with the possibility of removing some functions that are there that are decreasing the capacity of the building. We have to make certain that during the 5 to 6 years during which Phase II is being built that John Jay does not exceed the capacity of the facilities it has. She said John Jay can either stay at this enrollment or can grow, admitting that that is easier said than done because it is the operating budget – not the capital budget – that supports the rental of space and operating budgets are really inadequate. As a result, she said, John Jay is competing between hiring more faculty and renting more space. But if more space is needed, she said that she knows that the Chancellor will find the money to rent additional space for John Jay.

As for the building we are going to build, it is possible, VC Macari said, that when we take the enrollment numbers and project them in order to adequately plan that site – Phase II, Phase III, Phase IV – at the end when we build backward and determine what we can build based on the dollars we have been authorized (which is mostly the replacement of North Hall), if we see that there is not enough space there are actions CUNY would take. But she said that Phase II is planned at 10,340 FTEs and John Jay is now at almost 9,700 FTEs and so Phase II will definitely be built to meet John Jay's current needs although it might not accommodate the needs created by future growth. But she added, Phase III would be planned for that additional growth and that is why CUNY fought so hard to acquire the entire site, which is to permit future expansion for the College. Senator Litwack said it is very good to know that CUNY is sensitive to our space needs and that John Jay should not be any more crowded than any other college of CUNY.

VC Macari said Karen has information which she hopes Karen has communicated to the Senate and to the entire faculty and that is that Phase II has been the Chancellor's highest priority; there was not a day that went by that the Chancellor didn't make a phone call, didn't talk to her and her staff about it, didn't ask her for more facts, write letters to everybody, had meeting after meeting about Phase II. John Jay's Phase II has been very, very important to him. He knows how bad North Hall is and how important it is that John Jay have the facilities it needs, deserves, and that its mission requires. And, she added, the Board was very committed: Trustee Randy Mastro wrote many letters.

President Kaplowitz assured Vice Chancellor Macari that she has, indeed, told the Senate and the entire faculty through the Senate minutes and through other methods of communication of Chancellor Goldstein's absolute commitment and unceasing efforts to make Phase II a reality, adding that when some at John Jay, thinking Phase II would never happen, wanted the College to offer to move to Governors Island, she made the case against that proposal, largely on the basis of the untiring and committed efforts of the Chancellor to make Phase II happen. And, she added, she reported about Trustee Randy Mastro's incredible commitment and efforts in his capacity as the Chair of the BoT's Facilities Committee as well as the efforts of VC Jay Hershenson, and BoT Vice Chair Benno Schmidt, and, of course, of Vice Chancellor Macari. She said she reported that the Chancellor was working on this every single day as was VC Macari and her staff.

Professor Katherine Wiley, Chair of the Speech & Theatre Department, said the discussion has been about student enrollment growth, but where in the discussion is the issue of the full-time faculty whom we plan to hire. Last year only 40% of our course sections were taught by full-time faculty and the College is projecting hiring many full-time faculty because of our dramatically increased enrollment. How, she asked, will planning take place for faculty not yet hired who will presumably be hired and who will need offices when Phase II is ready to be moved into. The Vice

Chancellor said she, Lia Gartner, and Megan Moore-Wilk are architects and cannot answer questions about faculty lines and suggested that Vice Chancellor Malave and Vice Chancellor Mirrer be invited to discuss this issue. Vice Chancellor Macari added that the first goal is to replace North Hall and **CUNY** will do a study to determine how many students will fit in Phase II and from that the information the College will determine how many faculty are needed to teach those students.

President Kaplowitz said that perhaps she can frame Professor Wylie's question in a way that architects can answer: we understand that in our planning for Phase II we have to plan for space for projected students; we know how many faculty we now have but we project having more faculty by the time we move into Phase II: how do we plan and design a building that will contain sufficient office space for the faculty we anticipate having in five years? Vice Chancellor Macari said that is a great question.

Asst. Director Moore-Wilk said CUNY will look at the number of full-time and adjunct faculty and will want to hear from the College as to how many full-time and adjunct faculty the College plans to have in Phase II. She said that the CUNY standard for an adjunct is 40 square feet but instead of building 40 square feet cubicles, which are not very accommodating and not very useful, CUNY builds the equivalent of 130 square feet offices and the College either has three adjuncts who have different schedules assigned to such an office or has large rooms with many workstations. So CUNY would look at the number of faculty John Jay presently has, at the projected number, and at the number needed by each discipline. In certain disciplines you want to have more adjuncts than full-time faculty, such as in architecture. That is part of what Scott Paige will do and ask about when he meets with the academic departments. We would try to design flexible space, she added.

Professor Sandy Berger, Chair of the Science Department, said when he came to John Jay in 1971 we were in the Police Academy and in an office building. In 1974, he toured our "new" facility, North Hall, and it gave him a sick feeling. He said six years from now, 35 years after that tour, he doesn't want to take a tour of Phase II in which he again sees poorly planned laboratories that are underequipped. He said his main point is that John Jay's science needs differ from those of other colleges because of its unique programs, including its unique forensic science program.

VC Macari said both she and Lia Gartner have worked elsewhere besides *CUNY* and at those places they have both been involved in planning major science laboratories for major universities and know what is necessary. In addition, one of the consultants, who participated in the recent meeting in the theater with SOM, has an international reputation in designing science labs and will help the architect design the labs. If the consultants haven't designed forensic science labs before, they will research the topic and look at other forensic science labs and consult with the Science faculty. She added that major, advanced science labs are also being built at other CUNY colleges. She noted that there will be tours of science labs at other universities and she invited Professor Berger to let her know of any forensic science labs that are particularly excellent that they should visit. She said there is sufficient money in the budget to build advanced, state-of-the-art research labs.

Professor Timothy Stevens, Chair of English Department, spoke of the excitement of the faculty about Phase II but noted that faculty are concerned about the kinds of pitfalls that beset huge, complex projects such as this one. He asked what kinds of pitfalls we should be aware of as a College and for suggestions as to how we can avoid the worse consequences of those pitfalls or how we can prevent them entirely.

Director Lia Gartner said this question enables her to say what had been planning to say and

that is that anyone in the industry will tell you that the worst thing that can happen is for changes to be made late in the process and, therefore, the most important part of any project is the early scope-defining portion of the project. There are very few more important things you can do, very few things that are a better investment of time and effort than the early portions of planning the project. One aspect of that is the programming.

We are asking, Director Gartner said, for your participation in as thorough and as organized a way as possible in order to elicit from you the most thoroughly based information. It should be cast in a truly efficient, organized way, broad and thorough by all means, but not in a way that is a free-for-all. We are really hoping, she said, that the College will organize itself and give the consultants a very clear list of all the representatives, of all the levels, of all the components of the College community who need to be heard from and learned about and analyzed and informed about. And, she said, you need to do it in an organized way that at the same time makes the most of the consultants' time. We want the consultants to have good information because we want the consultants to give us the best possible solutions, the best possible options. We do not want to have endless numbers of conversations which are not productive.

I've come to learn first hand, Director Gartner said, how extremely important it is to get it really right early on. What is required are good lists, good information, good organization. What is also required is efficient scheduling of meetings between the consultants and the College's representatives. The consultants are more than eager to do this because they know that their success depends on how good the programming is and on how good the scope definition is.

Director Gartner explained that she will be using the term "Client Group," which comprises CUNY, the Office of the Vice Chancellor for Facilities Planning, Construction, and Management, and John Jay College. She said it is extremely important that the communication between the consultants and their ideas and the solutions they generate and the Client Group is clear, efficient, and thoroughly communicated but done so in a very pointed way. Once the program is defined, with John Jay's participation, the project starts and there will be regular meetings between the Client Group and the consultants.

The only way those meetings are effective, Director Gartner said, is if there is a very small number of people at these meetings. Meaningful exchanges are not possible at meetings with dozens and dozens of people sitting at a table. By all means, she said, we expect people to be informed, that comments will come forward, that responses to those comments will go back, but it is the College's representatives who will meet with the project team along with people from Vice Chancellor Macari's Office and from **DASNY** and the consultants.

Director Gartner explained that the College should decide how many and who those people representing the College should be, adding that 5 to 7 people is the maximum number. If you have more than 5 to 7 people representing the College, she explained, your voice gets diluted, and the process becomes potentially contentious. So if you can organize yourselves to have representatives, to have a system for those representatives to communicate to their constituencies, to receive responses from their constituencies, to report back solutions to their constituencies, it will serve the College best.

President Kaplowitz said she would like to make certain we understand what is being asked of us: she asked whether the group from the College should comprise a total of 5 to 7 people representing faculty, students, and administration or whether it is to consist of 5 to 7 representatives of each of the three groups. Director Gartner said that the College should have a total of 5 to 7

people representing all three groups. Those 5 to 7 people have to be empowered to speak for their constituency, take information back to their constituency, express their constituency's wishes. She said that there is no desire to homogenize the College but rather to have the process occur in an organized way so that later on, when someone comes up with a "brilliant new idea," we can say that we thought of that and this is the way we responded to that idea when it came up.

Professor Wylie asked when the information comes in from all the constituencies, who makes the final decision as to what is included in Phase II. Vice Chancellor Macari said the President of the College speaks for the College and does so informed by all the constituencies of the College who are the faculty, the administration and the students. That is what Lia is speaking about: the College will put together a small committee which she and her staff and the consultants and the architect will interface with in a routine and frequent way. This is the way it is done at every college. That is how it was done at Baruch. If we make the right decisions during the planning and programming process, the architect can design the building to meet the College's needs and avoid pitfalls. The small committee at Baruch – which comprised the provost, the dean of the Business School, the vice president for administration, several faculty, and one student – would take issues to larger groups, for example, to the Business School, and to other divisions of Baruch. Hearings were held at Baruch that anyone could attend and that many people did attend but, she said, we need to get the input in an orderly way so that everything can be weighed and prioritized.

Professor Stevens asked who initiates the consultative process. VC Macari said that Vice President Pignatello is in charge of facilities and so he will work with the President of the College and with the constituencies in putting together the small committee that will be working with us and then they will put together subsequent committees that will be formed. But Rob Pignatello has other responsibilities and so *CUNY* has hired a person who will be Vice Chancellor Macari's contact – and the contact person for her staff – at the College.

At her Office, Vice Chancellor Macari said, the contact person will be a different person, depending on the stage of the project. At the beginning of the project, the contact person will be Lia and she will bring Megan and anyone else who is needed. Then as the project develops, the other Director, Joanna Pestka, will be the contact person. But after that there will be only one person, the project manager, who will be the only contact person. VC Macari added that construction managers usually talk to DASNY but she has told the construction manager that they are to talk to only one person, our project manager at the time, first Lia, then Joanna Pestka, and then the subsequent person. And, she said, we've also asked the consultants to have only one person to whom we bring all our information to, the project director, whom they have already identified.

President Kaplowitz said that before she asks a few practical questions, she'd like to explain that when it was announced at the College that there would be a presentation in our theater by Skidmore, Owings and Merrill on September 18<sup>th</sup>, it wasn't reported that Vice Chancellor Macari or members of her staff would be there nor that there would be an opportunity for questions and comments from the College community and that is why there was such a small turnout. Also, the fact that it was in the theater gave people the impression that there would be no opportunity to ask questions or to comment. She asked the Vice Chancellor to not misinterpret the low turnout as lack of interest. VC Macari expressed her appreciation for the explanation.

President Kaplowitz said one of her questions is about statements made at that September 18<sup>th</sup> meeting. She asked whether she understood correctly the fact that the entire planning process is to take place within a six-month period. Director Gartner said that is correct, that from the time the contract is signed, there are six months to do the planning. She added that strictly speaking, there is

an actual kick-off date when that six-month process begins: the contract is signed, a project manager, whomever that happens to be from the University, initiates the kick-off date and it is on that date that the six-month planning process begins. A lot of things can be put in place prior to the kick-off date: the consultants are doing their prep work; you, at John Jay, should be putting together your committee so that when we say, “go,” you already have your representatives in place and you know the schedules and availability of your representatives so meetings can be set up right away. The more organized you are the better. We want to spend the time after the kick-off date devising the solutions rather than doing things that can be done now.

President Kaplowitz said that based on the experience Vice Chancellor Macari and her staffs and based on the experiences of many of us at John Jay in other areas, we have all agreed that there should be someone at the College mediating between the project and DASNY. And so Ynes Leon, an architect, was hired and she has been at the College for two years, ever since the CUNY Board of Trustees approved SOM as the architect for Phase II. President Kaplowitz said she has met with Ms. Leon but doubts if many others yet know her. What, she asked, will the role of Ynes Leon be. Vice Chancellor Macari said Ynes Leon is that one contact person at the College who serves as the liaison between her Office and the College and that she will be gathering everyone together and will be responding for the College. She should be free to meet with everyone at the College, at different times, to the extent that her time permits.

Based on conversations at the College, there seems to be some confusion among faculty and among some administrators, President Kaplowitz said, about whether departments in T Building will be permitted to expand into Phase II. She said she knows that one department in T Building has prepared an extensive document about its request to move into or to expand into Phase II and she said that her understanding has been that those who will be moving into Phase II are those in North Hall and that departments in T Building will not be permitted to relocate or expand.

On the other hand, President Kaplowitz added, she knows the Library faculty report that they have run out of space and that it will be necessary for the Library to expand, which many support, and also, our 600-seat theater is our only theater (and it’s not only too big for student productions but is almost always rented to professional groups like Lincoln Center in order to raise revenues) and yet the Speech and Theatre Department, which is in T Building, is hoping that a small theatre, which students and faculty could use, could be included in Phase II, a wish that is supported by many at the College. Professor Marvie Brooks agreed that the Library has run out of space and asked whether a consultant who specializes in college libraries will be hired if, in fact, the Library is permitted to expand into Phase II.

Vice Chancellor Macari said the original project is to replace North Hall, most notably the classrooms and departments that are there. That is our main goal. But in addition, the project had some growth anticipated. She said she recalls that the Library was one component that has been mentioned, most notably by Mary Rothlein. Vice Chancellor Macari said that among the many consultants hired is an educational consultant – this is a firm that specializes in classrooms, in educational buildings, and has library expertise, and if that expertise is not sufficient, we’ll ask them to hire someone who is truly an expert on libraries. These are the biggest firms in the world that we are working with, she added. The plan is to look at the Library and make a determination as to whether there is, in fact, need for further space and, if so, where that space should be provided.

Vice Chancellor Macari said that Karen’s larger question, about T Building, is a very important one. The original project did not anticipate any work involving T Building except insofar as the place where T Building will be physically joined to Phase II. She said she doesn’t know how

the architects will design this but in some way the two buildings will have to be physically joined and wherever the architects decide the best place to join T Building and Phase II, that part of T Building will have to be replaced. Because of the programming part, as Lia said, we will look at all your needs, adding that if there are several very small units that are scattered around North Hall and T Building that should be together in one place, then of course they could be joined together, if they are very small, very minor units. But, she added, they must be very small, very minor because this project does not entail renovations to T Building. Vice Chancellor Macari added that renovations to T Building might have to wait until Phase IV.

President Kaplowitz said that it sounds to her, therefore, that a proposal that someone has suggested would not be supported at all, which is to have all departments that offer graduate programs moved near the Graduate Studies Office, which is in T Building. This would require several departments that are now in North Hall to be moved to T Building which, in turn, would require several departments in T Building that do not offer graduate programs to be relocated to Phase II to make room for the relocated departments.

Vice Chancellor Macari said that is not within the scope of the project but she added that during the planning stages they will study where everyone is located and, if there were an adjacency that makes sense and that would not negatively impact the cost of the project and that would not negatively impact the growth of students for which we do need to build, then of course that would be a suggestion that would be looked at and would be shared with everyone and would be weighed as to whether it would be good to make such an exchange of spaces as long as only minor reallocations would be involved and not renovations. Vice Chancellor Macari said she wants it to be clear that that there is no money in the project to look at T Building and that the Phase II project is not permitted to include renovations within T building.

President Kaplowitz asked whether she is correct in her understanding that the consultants will want to know the views of the faculty about the size and configurations of the classrooms that the faculty wish to have; the size and configurations of departments – whether to adopt the suite style of T Building or the open style of North Hall; whether departments or groups of departments should have conference rooms as in North Hall or whether conference rooms should be completely separate from departments as in T Building; and other such issues.

Director Gartner said that the way you teach, the way you are administered, the way you function are all part of the program. And that is what the faculty and others are to determine within a six-month period. Vice Chancellor Macari added that the classrooms and labs are to be designed based on the programs, rather than on the wishes of any particular individuals. So the issue is: how is forensic science best taught and not how does a particular professor, who may be gone tomorrow, like to teach the subject.

Professor Joan Hoffman, Department of Public Management, asked how the University is incorporating environmental and other green concerns into their plans for Phase II. She spoke about a commitment by President Lynch to have environmental expertise brought into this project and she offered information about a free environmental consultant provided by the City of New York. She said that as an economist, she knows that availing ourselves of such expertise at the beginning of a project not only saves money but may save money in the long run with regard to everything from water shortages, energy crises, and so forth. How do these concerns work into the planning process, she asked. Professor Hoffman also asked whether those being hired have environmental experts, whether Vice Chancellor Macari's staff includes environmental experts, and whether a committee should be formed at the College to discuss environmental issues in terms of the Phase II project.

Director Gartner said their Office has an in-house staff of engineers and architects who are variously trained and highly sensitized to environmental issues. She said we also require our consultants to exercise environmental consideration and to have training in this area, which most of them do. The engineers and others have various levels of certification but what is also so important is that they are extremely sensitive to these issues. She said we do require this of them. Director Gartner said that actually designing and building a facility according to the standards adds quite a bit of additional cost and all of this is taken into account. She said the Vice Chancellor's Office is in complete agreement with what Professor Hoffman has said and negotiations take place during the process as to what makes sense, what is doable. Director Gartner noted that in future projects, their Office now budgets increments of costs in the construction attributable to green design but she said she does not know how much of that is budgeted in the Phase II project.

Vice Chancellor Macari added that CUNY is now under Executive Order 111 which requires us to have green buildings and CUNY has to comply with that Executive Order. We have escalated the project in order to meet that Executive Order and we will have that checked, she added, by our consultants. We want to comply but we also have to comply, she said.

Professor Hoffman asked about other CUNY buildings that have been built with windows that do not open. Vice Chancellor Macari said *CUNY* does not do that anymore: the Phase II building will have operable windows. She added that Phase II is not going to be a tower, explaining that sometimes a tower makes it impossible to have operable windows because of the way the outside world prevents control of a building's HVAC system. We even build labs with windows even though the consultants argue against that because operable windows prevent control of pressure inside a lab but we still build facilities with operable windows, less so in the labs but more so in the offices and classrooms.

Professor Wiley asked whether the faculty and the departments could be given a list of the questions the consultants will ask so they could get a head start preparing their answers. Director Gartner said that she could send such a list.

Saying that she was scheduled to be at an informal meeting an hour earlier at 80<sup>th</sup> Street, VC Macari said she had decided to stay in order to have a full discussion with the Senate, to answer everyone's questions, and because of her wonderful experiences during her meetings with the Senate in 1995 and in 1999. But she said she does have to leave now to go to 80<sup>th</sup> Street for that meeting.

Vice Chancellor Macari said that she and her staff will be happy to meet with the Senate again once the contract is signed and the planning process begins. She and her colleagues left at 5 PM to the sustained and enthusiastic applause of the Faculty Senate.

By a motion made and carried, the meeting was adjourned at 5 PM.

Respectfully submitted,

Edward Davenport  
Recording Secretary  
&  
Evan Mandery  
Corresponding Secretary

## ATTACHMENT A

**Emma Espino Macari, AIA**

**Vice Chancellor for Facilities Planning, Construction & Management**

**The City University of New York**

Emma Espino Macari, Vice Chancellor for Facilities Planning, Construction & Management at The City University of New York since September 1993, has more than 30 years of experience in the design and construction of major university and other large-scale commercial and institutional projects.

A registered architect with a Bachelor of Architecture degree from the University of Florida in Gainesville, and graduate studies in Environmental Design at the University of Wisconsin-Madison, prior to coming to The City University of New York, VC Macari was Director of the Facilities Planning Division of the University of South Florida in Tampa from December 1991 to September 1993.

From March 1976 to November 1991 she was Staff Architect, and subsequently Assistant Director for Architecture and Engineering and University Architect, in the Department of Planning and Construction at the University of Wisconsin-Madison. Prior to holding positions in higher education, VC Macari had nine years of private architectural practice experience in the design and construction of public, institutional and commercial projects.

An active member of the American Institute of Architects (AIA), she chaired its national committee on Women in Architecture, was President of the AIA's Wisconsin chapter, and is presently a member of the New York City chapter of the AIA.

Born in Cuba, VC Macari finished her first year of Architecture School at Villanova University, Havana. A former varsity swimmer, she was elected to represent Cuba in the 1960 Olympics. She is married to Hanque Macari, Architect and Professor in the School of Architecture at the City College of New York. They are the parents of two daughters who hold graduate degrees in Architecture and Graphic Design, and grandparents of two girls and a boy.

In the nearly nine years that she has been at The City University of New York, VC Macari has been responsible for instituting a long-range five-year capital building program, which culminated in unprecedented State support of a \$1 billion capital plan to design and construct University facilities from 1998 through 2003.

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### Additional Information:

The search committee for the Vice Chancellor's position was chaired by the then president of Baruch, Matthew Goldstein, who is now, of course, the Chancellor of CUNY. After conducting a national search, the search committee recommended to the then Chancellor and to the Board of Trustees that Emma Espino Macari be hired.

**ATTACHMENT B**

<b>Scope Scenarios for Phase II Building Program Assuming 10,334 FTES in Year 2004-05</b>			
<b>John Jay College of Criminal Justice</b>			
<b>Space Types</b>	<b>Scenario A</b>	<b>Scenario B</b>	<b>Scenario C</b>
	<b>(e - a)</b>		
	<b>h</b>	<b>i</b>	<b>j</b>
	North Hall sale	North Hall sale	North Hall sale
	Phase II replaces North Hall & builds full complement	Phase II replaces North Hall & builds modified complement	Phase II replaces North Hall & builds modified complement
	*	**	
Classrooms, Lecture	68,970	53,511	53,511
Classroom, Support	4,058	2,676	2,676
Instructional Labs	48,618	34,746	48,618
Self-Instructional Labs	Inc above	Inc above	Inc above
Lab Support Storage and Research	28,661	28,661	28,661
Faculty Offices	40,252	30,189	30,189
Faculty Offices Support	18,283	10,063	10,063
Faculty Research	13,261	13,261	9,946
<b>Subtotal Instructional</b>	<b>222,103</b>	<b>173,107</b>	<b>183,664</b>
Library	35,504	35,504	6,000
Physical Education	3,750	3,750	3,750
Assembly	37,919	20,000	20,000
Student/Faculty Services	103,002	77,252	77,252
Instructional Resource Centre	29,920	29,920	29,920
Administrative Offices	34,224	34,224	34,224
Administrative Office Support	Inc above	Inc above	Inc above
Data Processing	16,800	16,800	16,800
Campus Services	31,362	31,362	31,362
Unassigned Spaces	0		
<b>Subtotal Usable Support</b>	<b>292,481</b>	<b>248,812</b>	<b>219,308</b>
<b>Total Usable NASF</b>	<b>514,584</b>	<b>421,919</b>	<b>402,972</b>
<b>Total CSF</b>	<b>791,668</b>	<b>649,106</b>	<b>619,957</b>
<b>Footnotes</b>			
* Scenario A - North Hall sale. Phase II replaces North hall and builds full complement.			
** Scenario B - North hall sale. Phase II replaces North Hall and builds modified scope.			
Classroom utilization is increased from 30 to 35 hours a week, increasing efficiency 17%.			
Lab utilization is increased from 24 to 30 hours a week, increasing efficiency 25%.			
3/4 of additional required faculty offices provided, as flex offices will be provided for adjuncts.			
20,000 NASF of Assembly provided.			
3/4 of additional required Student/Faculty Services provided			
** Scenario C - North hall sale. Phase II replaces North Hall and builds modified scope.			
Classroom utilization is increased from 30 to 35 hours a week, increasing efficiency 17%.			
3/4 of additional required faculty offices provided, as flex offices will be provided for adjuncts.			
3/4 of additional required faculty research provided.			
Three reading rooms provided for library space, with electronic smart carts connected to Main Library. Assumed increased CD ROM and electronic library materials due to subject matter.			
20,000 NASF of Assembly provided.			
3/4 of additional required Student/Faculty Services provided.			

**SPACE NEEDS OF JOHN JAY COLLEGE OF CRIMINAL JUSTICE:**

1994-95 TO 2004-05

Pursuant to CUNY Space Standards

# John Jay College of Criminal Justice

## Current & 10-Year Space Needs Analysis

